

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:97-CR-35-5H
No. 4:16-CV-138-H

SAMUEL ROBERTS,
Petitioner,

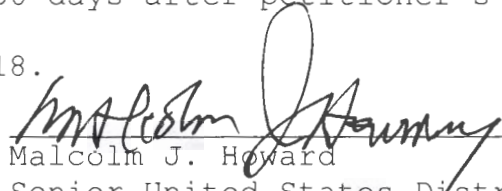
v.

UNITED STATES OF AMERICA,
Respondent.

ORDER

This matter was stayed by this court's order, pending resolution of Brown. [DE #276]. In light of the petition for certiorari filed in Brown, respondent's motion to lift the stay and motion to dismiss, [DE #277], is DENIED IN PART to the extent respondent moves to lift the stay. For good cause shown, petitioner's motion to stay, [DE #279], is GRANTED, and this matter will remain STAYED pending the United States Supreme Court's resolution of United States v. Brown, 868 F.3d 297, 298 (4th Cir. 2017), reh'g en banc denied, 891 F.3d 115 (4th Cir. 2018), petition for cert. filed, (U.S. May 29, 2018) (No. 17-9276), at which time petitioner shall file a response or other appropriate filing regarding his 28 U.S.C. § 2255 motion within 30 days. Respondent shall file a response within 30 days after petitioner's filing.

This 10TH day of July 2018.


Malcolm J. Howard

Senior United States District Judge

At Greenville, NC

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